

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JAMES WARNER DINGMAN	§	
VS.	§	CIVIL ACTION NO. 1:21cv477
STATE OF TEXAS, PROSECUTION	§	

MEMORANDUM OPINION REGARDING VENUE

Petitioner James Warner Dingman, an inmate at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled action requesting a writ of mandamus.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

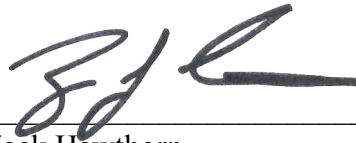
Petitioner filed the above-styled action seeking to compel the Harris County Sheriff's Office, as well as the 209th and 183rd District Courts for Harris County, Texas, to produce documents related to the criminal prosecutions against him.

Analysis

Petitioner seeks mandamus relief against state agencies and officials located in Harris County, Texas. Thus, the respondents and the records concerned in this case are located in Harris County, Texas. In accordance with 28 U.S.C. § 124, Harris County, Texas is located within the jurisdictional boundaries of the United States District Court for the Southern District of Texas, Houston Division.

As Harris County, Texas is located within the jurisdictional boundaries of the United States District Court for the Southern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). This case should be transferred to the United States District Court for the Southern District of Texas, Houston Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 30th day of September, 2021.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge